



Dear Friends,

They said it couldn't be done—a third-party lawsuit against therapists.^[1] But Karen and Charles Johnson proved the naysayers wrong. At 12:30 a.m. on January 23, 2011 in Madison, Wisconsin, a jury of two men and ten women returned a verdict that Kay Phillips, Ph.D., and Jeffrey Hollowell, MD, had been negligent in their treatment of the Johnsons' daughter Charlotte. Under their care, Charlotte had developed the beliefs that she had been forced to participate in satanic rituals and that her parents had tried to murder her. After 15 years traveling through the legal system, the Johnsons were finally able to tell their side of the story. When they did tell their story, a jury awarded them \$1 million. (See p. 6)

The Johnson case is every FMSF member's case. It is what every family falsely accused on the sole basis of "repressed-memories" recovered in some therapeutic situation believed would happen if they were able to get someone to listen to their story. But most professionals did not want to listen. They hid behind a wall of patient confidentiality. Indeed, therapist Kay Phillips in her testimony summed up the overwhelming professional reaction to the families' concerns. She reputedly said to her colleagues: "Circle the wagons!"

According to observers, the trial was riveting and emotional. (See p. 9) There were FMSF families in court to support the Johnsons every day of the trial, and there were more than 20 present for the closing arguments. Attorney William Smoler, who represented the Johnsons, kept a clear focus throughout. He established the standards of care for the treatment of patients, and then, using the doctors' therapy notes, demonstrated where and how they failed to meet those standards.

*Duty to do no harm.

*Duty to stay current with professional literature.

*Duty to change treatment plan if treatment is not working.

*Duty to consider whether the memories are plausible.

*Duty to talk about the historical facts of an event if they are not plausible.

Smoler argued that at times the standard of care requires informing a patient that something May not not historically accurate and that it is within the standard of care to raise the issue of the accuracy of memories. He pointed out how the doctors involved seemed to have lost all common sense in the face of Charlotte's increasingly bizarre "memories."

The Johnson case has been in the courts for 15 years, such were the legal obstacles that had to be overcome. In order to argue that their daughter's treatment did not meet the standards of care, the Johnsons needed proof of that treatment in the form of therapy records. Therapy records, however, are considered privileged. Charlotte Johnson would not permit her records to be made public. The story of how those records were obtained has been told in the newsletter in bits and pieces over the past 15 years, but at such long intervals that it was hard to remember. Finally the whole story can be put together. (See p. 8) Just as suspenseful as a mystery story, the Johnson's case involved two trips to the Wisconsin Supreme Court and a seemingly infinite number of motions, each of which involved waiting for a decision.

The case raises some really important issues about confidentiality of therapy records, and it is well worth reading the Wisconsin Supreme Court thinking on that matter. These are online. (See p. 9) We doubt any FMSF member would want to engage in therapy with a professional thinking that what was said could become a matter of public record. On the other hand, being accused of the most heinous crime

In this issue...

<i>Legal Corner</i>	6
<i>From Our Readers</i>	12
<i>Bulletin Board</i>	14

The next newsletter will be sent in April 2011.

against a loved child and being unable to defend oneself is equally disquieting. As one mother whose daughter eventually retracted commented:

"Let us hope therapists' records can be opened so the falsely accused has a fighting chance. I could never get the records from the California State Association of Family and Child Therapy Social Workers, nor the California State Psychology Association nor licensing groups--all confidential. If a physician took out my child's liver by mistake, I think I could get the records. In our case, they confiscated our hearts and reputations."

The issue of the confidentiality of patient records is very important and the story is not over. There have been some professionals who complain that the FMSF has — with this case — caused a terrible problem. Really, it would be more appropriate if they looked to their own profession and addressed the problem of oversight and the acceptance of unscientific treatments. If therapy results in public criminal accusations against a third party, then it seems reasonable that the accused person has a right to defend herself.

This newsletter issue has other examples of families fighting back against false accusations. On page 12, there is a story about an Oregon man whose family fell into the clutches of a "Christian therapist" with the bizarre belief that just about everyone has been sodomized. The accused man has initiated a lawsuit. On page 4 is a story about a book written by Jim Fairlie and his daughter. The book is about their efforts to hold therapists accountable in the United Kingdom. Fairlie, a former government leader under Gordon Wilson from 1981 to 1985, sued the National Health Service and social services who had treated his daughter. Fairlie brought his action in 1998, spending tens of thousands of dollars. He believed that the lawsuit was "the only way to make these people take responsibility."

Lest anyone think that the problem of the excavation of memories in therapy is a practice of the past, on page 4 there is an excerpt from the University of Illinois-Urbana Counseling Center website that includes:

"Whether or not you have specific memories, if you suspect that you were sexually abused, then you probably were."

Thanks for all your support that enables us to continue the work that needs to be done.

Pamela

1. We are aware of only one other third party case in which daughter did not give access for therapy records that reached the trial level.

Sullivan v. Cheshier, United States District Court, Northern District of Illinois, Eastern Division. Sullivan v. Cheshier, 846 F.Supp. 654 (N.D. Ill. 1994).

Summary of Case and Issues: Five-count complaint filed by third party parents against therapist who treated their adult daughter and declared to Plaintiffs in a meeting that their daughter's depression was the result of her having been the victim of sexual abuse, that all five Sullivan children had probably been sexually abused, and that each plaintiff had also

probably been sexually abused as a child.

Case filed: 1/6/92.

Disposition: In March 1994, Judge James Zagel granted defendant therapist summary judgment as to Count II and III (Intentional Infliction of Emotional Distress and Negligence) and denied Counts I, IV and V (Malpractice, Loss of Society and Companionship and Public Nuisance). In July 1995, the district court granted Plaintiffs request for disclosure of therapy records. On April 2, 1997, the trial judge ruled plaintiffs must prove defendant's "intentional" and "reckless" acts caused "loss of society." The judge also restricted Plaintiffs cause of action to the loss of society count. The jury found for the defendant.

□

"Of all fields of medicine, psychology seems especially prone to fads. Freudian dream analysis, recovered memory therapy, eye movement desensitization for trauma — lots of once-hot psychological theories and treatments eventually fizzled."

Chris Woolston, C. (2011, January 8). Mindfulness therapy is no fad, experts say. *Los Angeles Times* – Health. Retrieved on January 8, 2011 from <http://articles.latimes.com/2011/jan/08/health/la-he-mindfulness-20110109>

Excerpt of comments by Richard McNally on the Diane Rehm Show with Meredith Maran, author of *My Lie: A True Story of False Memory*, See: <http://thedianerehmshow.org/shows/2010-09-28/my-lie-meredith-maran>

Interviewer: Can a traumatic memory be forgotten and then remembered, do you think?

McNally: Well, truly traumatic events — truly traumatic events, the sorts of things that are life threatening, overwhelmingly terrifying and so forth are usually involved with the release of stress hormones, which consolidates the memory. Makes it very strong, makes it very vivid as in the case of Post Traumatic Stress Disorder, PTSD. So people who are exposed to genuinely traumatic events, life threatening, overwhelmingly terrifying events tend to remember them all too well."

Interviewer: But can a traumatic memory then be created and remembered as true?

McNally: Well, there certainly were cases in the 1980s when this certainly seemed to have occurred. Perhaps the best example of that were people who began to recover memories of satanic ritual abuse, being involved in all kinds of weird cult rituals, cannibalizing babies and infant sacrifice and things of that sort. When the FBI investigated all of these cult crimes, they never could find any physical evidence of these crimes. And many of these people later retracted these memories. But after they began recalling these memories in certain types of psychotherapy, they would — they originally had depression and then they developed Post Traumatic Stress Disorder apparently on the basis of false memories.

Robyn M. Dawes Obituary

Robyn Dawes, a founding member of the False Memory Syndrome Foundation Scientific Advisory Board and the Queenan University Professor of Psychology at Carnegie Mellon University, died on December 14 at the age of 74.

After attending Harvard, Dawes turned to mathematical psychology for his doctorate at the University of Michigan. He was a member of the American Academy of Arts and Sciences, the European Academy of Science, and in 1990 received the William James Award for his book, *Rational Choice in an Uncertain World*.

"Robyn was a giant in the field of psychology, constantly pushing the boundaries and taking a fresh, innovative approach to real problems," said John Lehoczky, dean of the College of Humanities and Social Sciences. "He helped create the area of behavioral decision research — an intellectual field that merged psychology and economic theory and that has since given us behavioral economics. His contributions to his research, Carnegie Mellon and his students are impossible to measure. His legacy will live on through the Department of Social and Decision Sciences, which he built."

FMSF Newsletter readers may be familiar with his 1996 book, *House of Cards: Psychology and Psychotherapy Built on Myth* in which he criticized mental health professionals for ignoring empirical research in favor of techniques that ignore scientific inquiry

Dawes decided to join the FMSF Board, he says, "because I knew something about memory," an understatement of great proportions. Citing research in the field and his general knowledge of memory, Dr. Dawes declares: "I was quite dubious that these constructive memories of implausible events could be historically accurate."



Book Series Honors Three Members of the FMSF Scientific Advisory Board

Modern Pioneers in Psychological Science: A Book Series Published by APS and Psychology Press

The Association for Psychological Science and Psychology Press have released a new book series honoring the careers and contributions of distinguished psychologists. There are currently seven books in the series and we were delighted to note that three of the people honored were members of the FMSF Scientific Advisory Board: Robyn M. Dawes and Elizabeth F. Loftus who were founding advisors and Henry L. Roediger, III who joined in 1995.

Following are the descriptions of the books as they appear on the Psychological Society website:
<http://www.psychologicalscience.org/books/index-new.cfm>

Rationality and Social Responsibility: Essays in Honor of Robyn Mason Dawes
Edited by Joachim I. Krueger

This volume brings together a diverse group of authors who have been associated with Robyn Dawes over the years. The breadth of topics covered reflects Dawes's wide-ranging impact on psychological theory and empirical practice. The two themes of rationality and social responsibility are well developed in the book. Dawes always urged investigators to take seriously the question of how individuals can reconcile self-interest (i.e. rationality) with the collective good (i.e. social responsibility). The area of judgment and decision-making poses a similar challenge: Here, rational judgment is the most responsible judgment because it minimizes errors. To attain rationality in this domain, individuals need to accept the limitations of their own intuitions.

Do Justice and Let the Sky Fall: Elizabeth F. Loftus and Her Contributions to Science, Law, and Academic Freedom
Edited by Maryanne Garry & Harlene Hayne

For more than 30 years, renowned psychological scientist Elizabeth F. Loftus has contributed groundbreaking research to the fields of science, law, and academia. This book provides an opportunity for readers to become better acquainted with one of the most important psychologists of our time as it celebrates her life and accomplishments. It is intended to be a working text—one that challenges, intrigues, and inspires all readers alike. *Do Justice and Let the Sky Fall* collects research in theoretical and applied areas of human memory, provides an overview of the application of memory research to legal problems, and presents an introduction to the costs of doing controversial research.

The Foundations of Remembering: Essays in Honor of Henry L. Roediger, III
Edited by James S. Nairne

The Foundations of Remembering presents a collection of essays written by top memory scholars in honor of Henry L. Roediger III. The chapters were originally delivered as part of the "Roddyfest" conference at Purdue University which awarded Roediger an honorary doctor of letters in recognition of his many contributions to the field of psychology. Authors were given a simple charge: Choose your own topic, but place your work in historical context. Roediger is fascinated by the intellectual lineage of ideas, so addressing historical "foundations" seemed a fitting tribute. The chapters contained in this volume help to establish the foundations of remembering, circa the first decade of the 21st century, as perceived by some of the leading memory researchers in the world.



Old Beliefs Are Still Being Taught at the University of Illinois by the Urbana Champaign Counseling Center

The excerpts that follow were taken on January 1, 2011 from the website of the University of Illinois at Urbana-Champaign Counseling Center. See:http://www.counseling-center.illinois.edu/?page_id=170

“Surviving Childhood Sexual Abuse

“How can I know if I was sexually abused?

“If you remember being sexually violated as a child, trust your memories, even if what you’re remembering seems too awful to be true. Children simply do not make things up. It is common, however, for individuals who have been abused not to have clear memories. One way of coping with sexual abuse is to repress or forget that it ever happened. Even in the absence of conscious memories, certain experiences can trigger intense feelings of fear, nausea, and despair. Some of these “triggers” include specific sounds, smells, tastes, words, and facial expressions.

“Whether or not you have specific memories, if you suspect that you were sexually abused, then you probably were. Often the first step in remembering involves having a hunch or a suspicion that some type of violation occurred. Pay attention to these feelings, for people who suspect that they were sexually abused generally discover that this has been the case.”

“What are the effects of child sexual abuse?

“There are many ways that people experience the harm that results from having been sexually abused. Consider the following questions (Bass and Davis, 1988):

“Self-Esteem

“Do you often feel that you are not a worthwhile person?
Do you feel bad, dirty, or ashamed of yourself?
Do you have a hard time nurturing yourself?
Do you feel that you have to be per-

fect?”

“Feelings

“Do you have trouble knowing how you feel?
Have you ever worried about going crazy?
Is it hard for you to differentiate between various feelings?
Do you experience a very narrow range of feelings?
Are you afraid of your feelings? Do they seem out of control?”

“Your Body

“Do you feel present in your body most of the time? Are there times when you feel as if you’ve left your body?
Do you have a restricted range of feelings in your body? Do you find it difficult to be aware of what your body is telling you?
Do you have a hard time loving and accepting your body?
Do you have any physical illnesses that you think might be related to past?”

“Need Additional Help?

“The following are excellent sources of information on child sexual abuse:

The Courage to Heal. Ellen Bass and Laura Davis. New York: Harper and Row, 1988.

The Courage to Heal Workbook. Laura Davis. New York: Harper and Row, 1990.

Victims No Longer. Mike Lew. New York: Harper and Row, 1990.

Outgrowing the Pain: A Book for and about Adults Abused as Children. Eliana Gil. San Francisco: Launch, 1983.

Incest and Sexuality: A Guide to Understanding and Healing. Wendy Maltz and Beverly Holman. Lexington, MA: Lexington Books, 1987.”

The Counseling Center, 110 Turner Student Services Building, 610 East John Street, Champaign, IL 61820

Phone: (217) 333-3704



Two New British FMS Books

Unbreakable Bonds

‘they know about you Dad’

Jim Fairlie

(2010) Austin & Macauley Publishers

Jim Fairlie fought back! *Unbreakable Bonds* is the moving true-life account of his struggle to clear his name after being accused of sexually abusing his daughter, of being the leader of a pedophile ring, and of being a murderer.

In 2004, the *FMSF Newsletter* had several stories about Fairlie’s case. Fairlie, a former government leader under Gordon Wilson from 1981 to 1985, sued the National Health Service and social services who had treated his daughter for defamation, negligence and personal injury. Fairlie brought his action in 1998, spending tens of thousands of dollars. He believed that the lawsuit was “the only way to make these people take responsibility.”

Unfortunately the case was dismissed because neither the hospital nor the doctor had a duty of care to Mr. Fairlie. The judge commented:

“It goes without saying that if the psychiatrist made the diagnosis which it is said he did, and it was one reached carelessly and without proper investigation, [Fairlie’s] concern to seek redress is wholly understandable.”

A year before Fairlie’s daughter Katrina confronted her parents in 1995, she had been admitted to the hospital to have her appendix removed, but the doctors found nothing wrong with her. When her pain continued, doctors believed that the symptoms were psychosomatic and admitted her to a psychiatric unit of Perth’s Moray Royal Hospital. She was treated with mind-altering drugs, hypnosis and prolonged interviews, techniques since condemned by the Royal College of Psychiatrists.

Katrina deteriorated rapidly. She was encouraged to talk about nightmares which turned to hallucinations and she finally tried to commit suicide. Katrina came to believe that her father had raped her and beaten to death another six-year-old girl. She thought he was involved in a pedophile ring

with 17 other men, including two MPs.

Katrina's accusations split the family and the rift began to heal only after it became obvious to family members and the police that her claims never happened. By 1996, Katrina also realized that her accusations were false and she pursued her own civil action against the authorities.

Fairlie and Katrina worked together on this engrossing book. In the introduction they explain their reasons for writing it.

Jim Fairlie's Comments: "Most of all, it is the story of a belief in a system gone wrong, of professionals, bureaucrats and their legal back-up teams financed by public money, all of whom were prepared to deliberately destroy an entire family rather than admit that a mistake had been made."

"This is a book which should never have been written. It is also a book which had to be written. It tells the story of a young woman, my youngest daughter Katrina, driven to the point of suicide and tormented by false images of murder, of ritual and serial rape, of being abused by her father and others, from the age of two for a period spanning over twenty years."

Katrina's Comments: "I had no intention of taking part in the writing of this book because I wanted only to forget the most frightening period of my life. Those who have been subjected to Recovered Memory Therapy will know that you tend to continue to have the images which were created, long after the therapy has ceased. I was repeatedly told that I was so ill that I might never get well enough to function as a normal person. Had I been prepared to listen and continue to allow the psychiatrists to keep me in therapy, I am convinced I would not have survived. During my time under their care in Murray Royal in Perth, a period of fifteen months, there were 66 incidents when I self-harmed or attempted suicide. At least four of those attempts almost succeeded. Since discharging myself from their tender mercies, there has not been a single instance of either self-harming

or attempted suicide.

"Why then, would I want to revive the memories of the most harrowing period of my life, by participating in the writing of this book with my Dad? Why would I want to relive the horror of the nightmares, nightmares induced by the drugs the psychiatric team prescribed? There is no simple or straightforward answer to that question. Perhaps the best answer is to say it is the same reason I would give to victims of rape for why they should speak out. Silence on the part of the victims, is the best and most potent weapon those who are guilty of rape have. Similarly silence is the best protection practitioners of Recovered Memory Therapy have. When they refuse to give answers to questions they have to be challenged. They also have to be stopped.

"I feel an enormous sense of betrayal by the health service, the legal profession, and the justice system. Perhaps the most appropriate question that should be asked of me is why would I not speak out?"

* * *

Miscarriage of Memory: Historic Abuse Cases—A Dilemma for the Legal System.
Edited by W. Burgoyne, N. Brand, M. Greenhalgh and D. Kelly.
British False Memory Society, 2010

A follow up to the 2007 book *Fractured Families, Miscarriage of Memory* tells of the struggles of families caught in the British legal system after accusations of claims of recovered memories. The thirty-two chapters were written by families and professionals. There are sections focusing on third parties, disciplinary hearings, investigations, and other relevant topics.

This book arrived as the newsletter was going to print. It will be further described in the next newsletter issue.



Update on Dr. Bennett Braun

Two *Newsletter* readers contacted the Foundation recently to tell us that psychiatrist Bennett G. Braun, MD, is currently practicing in Butte, Montana. The information that they felt was newsworthy was the fact that a search of his professional status showed "No malpractice" and "No sanctions" on the HealthGrades site.

Most readers probably recall that in 1998 Dr. Braun agreed to give up his Illinois medical license for two years in response to the Illinois Department of Regulation complaint against him. (See complaint at: <http://www.fmsfonline.org/braun.complaint.html>) His membership in the Illinois and the American Psychiatric Associations ended.

Braun, one of the founders of the International Society for the Study of Multiple Personality and Dissociation, was a leader in the recovered-memory/MPD movement. Many doctors and therapists learned about MPD and recovered memories at conferences organized by Braun. Ultimately, he was sued by a number of former patients.

In Gale v Braun (2004, \$7.5 million settlement) a woman with mild depression was brainwashed into believing she was MPD, a member of a cult, and required sterilization in order not to bear any more babies to be sacrificed for the cult.

In Burgess v Braun (1997, \$10.6 million settlement) a patient originally sought treatment for postpartum depression but was diagnosed MPD as a result of supposed sexual and ritual abuse including cannibalism and torture. Even her preschool children were hospitalized, diagnosed MPD, and treated for satanic ritual abuse (SRA).

See FMSF Newsletter Vol 6 (11) and FMSF Newsletter Vol 13 (2) for more information about the Burgus and Gale cases.

Johnsons Awarded \$1 Million in Epic Wisconsin Case Johnson v Rogers Memorial Hospital No 1996CV001228, Dane County Court, Madison Wisconsin. January 23, 2011

After a two-week trial, a Madison, Wisconsin jury of two women and ten men returned its verdict after ten hours of deliberation at 12:30 a.m. Sunday morning January 23, 2011 in the epic recovered-memory case Johnson v Rogers Memorial Hospital, Kay Phillips, Jeffrey Hollowell and Timothy Reisenauer. The jury found two of the doctors negligent and awarded Karen and Charles Johnson \$1 million.

This case has been in the courts for 15 years because of the difficulties in mounting a 3rd party action. It is an especially significant case because the Johnson daughter apparently still believes her memories of abuse and satanic rituals and she denied the plaintiffs access to her therapy records. At every setback, the Johnsons and their Madison, Wisconsin attorney William Smoler appealed. The case went to the Wisconsin Supreme Court twice on issues dealing with access to therapy records.

To our knowledge, this is the second recovered-memory case to progress through the courts in which the patient denied access to her records.^[1] The story of how the therapy records became available and what those records demonstrated in court is quite possibly the biggest step to date in the battle of parents who have lost their children because of accusations of past sexual abuse based on false memories (beliefs) that developed in therapy. The result of this case is a symbolic win for all families who believe that their children were harmed in therapy that focused on excavating memories and led to beliefs that they had been sexually abused by their parents.

This case opens the door to new causes for action. The first section that follows describes the Johnson trial in January 2011. The second section reviews previously published news about how the Johnsons obtained access to therapy records so that the trial could proceed.

The Trial

The trial began on Tuesday January 11 in the courtroom of Judge Daniel Moeser.^[2] Rogers Memorial Hospital had settled with the Johnsons a few weeks before the trial so the case was against the three doctors who treated the Charlotte Johnson. The experts for the Johnsons were Hollida Wakefield and Gregory Van Rybroek, Ph.D. The experts for the defense were Laura Brown, Ph.D., James Chu, MD, Peter Clagnaz, MD, Richard Kluft, MD, and William Smith. Ph.D. The Johnson's had one attorney and they paid their own legal expenses. The defendants had three attor-

neys and most expenses were apparently covered by insurance.

After the jury was selected, Charles Johnson took the stand. Johnson is a former Madison physician and faculty member of the University of Wisconsin-Madison. He also served as chief of medical staff at a St. Louis hospital. Johnson described how he had tried unsuccessfully to reach the doctors who were treating his daughter Charlotte because he was so concerned about her deteriorating condition. Charlotte, who had been an honor student and Missouri State Champion swimmer and Olympic hopeful, had done her college fieldwork in Kenya. It was when she was in graduate school at the University of Wisconsin that her problems began. Charlotte contacted a Rape Crisis Center in Madison and received five months of therapy for family issues. After she began to have some unusual feelings, she sought counseling with Kay Phillips. Charlotte was hospitalized within two weeks of seeing Phillips and soon claimed to have recovered memories of childhood abuse. Charles attended a therapy meeting with Drs. Hollowell and Reisenauer in 1991 to try to find out how his daughter was doing and he also agreed to pay her hospital costs. Charlotte cut off contact with her parents and Charles showed a letter that her lawyer sent to them stating that she would sue her parents unless they agreed to pay one million dollars.

Two of the Johnsons' daughters, one of whom is a psychiatrist, testified in support of their parents. Then Sue Karn, a neighbor and best friend of Karen Johnson, testified that she had known the Johnson children from a very young age. The Johnson children had been best friends with Karn's children and she had never seen any signs of abuse with any of the children. Sue Karn had accompanied Karen Johnson in 1993 when she drove from her home in St. Louis to what turned out to be a confrontation with Charlotte in the office of Dr. Jeffrey Hollowell. Karen had gone to the therapy session in the expectation that there would be reconciliation with her daughter. The friend testified that she was not allowed to accompany Johnson and had had to wait in the lobby while Johnson had the meeting. Mrs. Karn said that when Johnson came out she was so upset that she could not drive. The friend testified that she drove home while Mrs. Johnson wrote notes about what had happened in the meeting, including the fact that Hollowell had berated her saying that she was an angry terrifying woman.

When Karen Johnson took the stand, further details of the confrontation and accusations after therapy were given. Charlotte came to believe that her parents had tried to kill her by stabbing and drowning. These accusations contrasted to the pictures of a healthy smiling Charlotte as she was growing up and to a 1989 Mother's Day card expressing love and affection that she had given to her mother.

On Thursday, expert Hollida Wakefield testified to the many errors present in the book *The Courage to Heal* by Ellen Bass and Laura Davis. Attorney Smoler then produced a chart that listed the "standards of care" to which treating doctors are supposed to adhere. Wakefield showed how the advice in *The Courage to Heal* failed to meet the "standards of care" and how the treating doctors who appeared to follow the advice in that book also failed to meet the "standards of care."

The standards of care to which Smoler referred throughout the trial were:

Duty to do no harm.

Duty to stay current with professional literature.

Duty to change treatment plan if treatment is not working.

Duty to consider whether the memories are plausible.

Duty to talk about the historical facts of an event if they are not plausible.

At times the standard of care requires informing a patient that something is not historically accurate. It is within the standard of care to raise the issue of the accuracy of memories.

On Friday, Gregory Van Rybroek, Ph.D., Director of the Mendota Mental Health Institute of Madison, Wisconsin was the next expert to testify. William Smoler continued a clear focus on the standards of care and Van Rybroek testified to each standard and how the doctors failed to meet those standards in their treatment of Charlotte Johnson.

The defense began its case on Tuesday January 23. In the following days the three doctors on trial and the five experts for the defense testified. None of the doctors who treated Charlotte seemed to have heard of the work of Elizabeth Loftus from 1988 or the Lanning report about SRA from 1989. Kay Phillips was a professional counselor in 1992 when she treated Charlotte. When asked if she believed

everything Charlotte had told her, she replied, "I don't really know." She gave the same response when asked if she believed in Satanic Ritual Abuse. Phillips had Charlotte admitted to Rogers Memorial Hospital two weeks after her first session. Smoler compared Phillips' therapy notes to the "standards of care," and the jury was able to see where her treatment failed to meet those standards.

Dr. Hollowell treated Charlotte at Rogers Memorial Hospital and testified about his great concern for her. He noted that the Johnsons would not even help their then 24-year-old daughter who by that time had no money. Smoler was able to show that because Charlotte had taken out a restraining order against her parents, the judge would not allow the Johnsons to have any contact with their daughter, even to give her money. Dr. Hollowell presented his interpretation of what happened at the confrontation. He also testified that he saw Charlotte for individual therapy after her release from the hospital. He could not produce notes from the individual therapy stating that he had left his therapy records at Rogers Memorial when he left that institution. Rogers Memorial did not seem to have his notes about Charlotte.

Dr. Reisenauer was a "floater" at Rogers Memorial Hospital who substituted for Hollowell when he was unavailable during the time Charlotte was hospitalized. After the hospitalization, Charlotte continued with individual therapy from one or the other doctor — Hollowell or Reisenauer. Reisenauer testified that he shredded his notes from the individual therapy after one year because he thought that he only needed to keep them that long. In fact, Wisconsin law requires notes to be kept for seven years. William Smoler continued a clear focus on the standards of care and Van Rybroek testified to each standard and how the doctors failed to meet those standards in their treatment of Charlotte Johnson.

Neither Dr. Hollowell nor Dr. Reisenauer could produce therapy notes for Charlotte for the period after the hospitalization.

Expert Laura Brown tried to argue that the standards of care were different in the early 1990s from the standards shown by Smoler. Smoler showed that in 1988 she had presented the same standards that Smoler had just presented.

Richard Kluft testified that he had spent 75 hours preparing for the trial and that he charged \$350 an hour. As with all the defense experts, he said he saw nothing wrong with the treatment that had been provided to Charlotte. Smoler showed Kluft an article that Kluft had published in the late 1980s raising the same concerns that Smoler was raising. Exactly the same thing happened with Dr. James Chu.

Expert Richard Kluft argued that the failure of the doctors to contact Charlotte's family was because she did not give permission. Yet the records showed that Charlotte had actually given permission to share her progress. In fact, because the Johnsons had paid for some of Charlotte's therapy, they had already received some records from the hospital. Peter Clagnaz, a psychiatrist in Madison, perhaps helped the Johnson case when he testified as to the proper procedures to follow when a patient is suicidal. It became clear that treating therapist Kay Phillips did not do those things.

All of the defense experts testified that the treating doctors met the standards of care.

Summary arguments were held on Saturday, January 22 and the case went to the jury in the late afternoon. The jury rendered its verdict at approximately 12:30 a.m. Sunday morning. Drs. Phillips and Hollowell were found negligent. Dr. Reisenauer was not found guilty, perhaps in part because there were no notes of his treatment of Charlotte. The jury awarded five hundred thousand dollars each to Charles

and Karen Johnson and decided that Phillips was 30 percent responsible and Hollowell was 70 percent responsible for the harm.

1. Sullivan v. Cheshier, United States District Court, Northern District of Illinois, Eastern Division. Sullivan v. Cheshier, 846 F.Supp. 654 (N.D. Ill. 1994).

Summary of Case and Issues: Five-count complaint filed by third party parents against therapist who treated their adult daughter and declared to Plaintiffs in a meeting that their daughter's depression was the result of her having been the victim of sexual abuse, that all five Sullivan children had probably been sexually abused, and that each plaintiff had also probably been sexually abused as a child. Case filed: 1/6/92.

Disposition: In March 1994, Judge James Zagel granted defendant therapist summary judgment as to Count II and III (Intentional Infliction of Emotional Distress and Negligence) and denied Counts I, IV and V (Malpractice, Loss of Society and Companionship and Public Nuisance). In July 1995, the district court granted Plaintiffs request for disclosure of therapy records. On April 2, 1997, the trial judge ruled plaintiffs must prove defendant's "intentional" and "reckless" acts caused "loss of society." The judge also restricted Plaintiffs cause of action to the loss of society count. The jury found for the defendant.

2. The information about the Johnson v. Rogers Memorial Hospital trial was obtained from conversations with people who observed the trial and from a talk with attorney William Smoler.

How the Johnson Case Reached Trial

It took 15 years for the Johnson case to get to trial, primarily because of the problem of access to the therapy records. In the process the case went to the Wisconsin Supreme Court twice. The court deliberated very carefully on this issue and its thinking is of much interest. This report is just a summary. We encourage readers to follow up and read the Court's decisions, which are posted on the web.^[1]

The Johnsons first filed their case on May 29, 1996, alleging the following facts: Beginning in the late summer or fall of 1991, Charlotte began psychotherapy treatment with defendant Kay Phillips (Phillips) and defendant

Heartland Counseling Services. Shortly thereafter, Phillips referred Charlotte to defendant Rogers Memorial Hospital (RMH) for treatment in specialty programs that focused on eating disorders and depression. Charlotte was admitted to RMH as an inpatient in early November 1991. The Johnsons entered into a financial agreement with RMH in which they agreed to pay for this inpatient care.

At RMH, Charlotte received treatment from defendants Jeff Hollowell and Tim Reisenauer. During this treatment, Charlotte developed the belief that her parents had sexually and physically abused her as a young child. Charlotte remained as an inpatient at RMH until November 29, 1991, but continued to receive treatment from Hollowell and Reisenauer after that time as an outpatient. She confronted her father about this abuse on November 22, 1991 and confronted her mother on October 28, 1993. Both confrontations occurred during meetings with Hollowell present. The Johnsons denied that such abuse occurred. Nevertheless, Charlotte terminated her relationship with her parents. The Johnsons were unsuccessful in reestablishing any relationship with her. Charlotte continues to believe that her parents abused her.

In their complaint, the Johnsons alleged negligence against Phillips, Hollowell, and Reisenauer (therapists) for their treatment of Charlotte. They claimed that the treatment provided by the therapists resulted in Charlotte's false beliefs that she had been abused and that their continued treatment of Charlotte reinforced these false beliefs. The Johnsons also contended that the therapists failed or refused to counsel Charlotte to determine the validity of these memories despite being informed by the Johnsons that these beliefs were false. They sought damages for past and future mental and emotional pain and suffering.

The Dane County Circuit Court, the Honorable Daniel R. Moeser, dismissed the complaint, concluding that the claims against the therapists failed to state claims upon which relief could be granted (they did not have therapy notes) and that the claims against RMH required dismissal because the Johnsons did not have standing to sue RMH. The court also noted that the Johnsons' claims against RMH were barred by the statute of limitations.

Smoler appealed to the Wisconsin District Court of Appeals. That court agreed with the trial court.

"In a 2-1 decision, the Wisconsin 4th District Court of Appeals decided that Charles and Karen Johnson may not sue the psychologist of their estranged daughter because the daughter will not waive her right to keep her records confidential. The court stated that the daughter's rights to keep her records confidential outweigh her parents' interest in being compensated for their claimed injuries. In a dissent, Judge Charles Dykman noted that "it is a dangerous practice for judges to guess what a plaintiff may or may not be able to prove at trial, and to dismiss cases that they predict cannot be proven." Dist 4, July 13, 2000 (2000 Wisc.) App. LEXIS 642)

Smoler appealed to the Wisconsin Supreme Court noting that he was "not worried about being able to prove even without medical records that these were false memories that came out during medical therapy." The Court had recently made an important decision about therapy records in another case (Sawyer) and so accepted the Johnson case. It issued a decision in June 2001.

"In sum, in view of the current state of the record, we conclude that the Johnsons have presented claims upon which relief may be granted. The record is insufficient for us to determine whether public policy considerations bar the Johnsons' claims. Further, the factual record is insuffi-

cient for us to determine whether the statute of limitations bars the Johnsons' claim against RMH. As a result, we reverse the court of appeals' decision, which upheld the circuit court's dismissal of the complaint." *REVIEW OF A DECISION OF THE COURT OF APPEALS, 2000 WI App 166, Reported at: 238 Wis. 2d 227, 616 N.W.2d 903. Opinion filed June 19, 2001.*

After the Wisconsin Supreme Court allowed the Johnson case to continue, Smoler filed a request to obtain Charlotte's therapy records. This request also worked its way to the Wisconsin Supreme Court. In July 2005, the Wisconsin Supreme Court in a split decision ruled that a judge could decide if the Charlotte Johnson's therapy records should be made available to the parents over her and her therapist's objections.

The 2005 ruling stated that if the Johnsons could explain to the judge why the victim's records might show a reasonable likelihood of establishing that the memories were the result of bad therapy, then the judge could view the therapy records. If the judge is persuaded by the Johnsons' arguments, he could then review the records in camera and provide to the plaintiffs those sections that he deems to contain relevant information. The parents might get many records or none depending on the evaluation of the judge. The decision noted the following as grounds for its decision:

The grounds for waiver may be summarized as follows:

1. Charlotte disclosed that she was in therapy.
2. Charlotte had told a friend that she had been subjected to hypnosis.
3. Charlotte had filed a restraining order against her parents.
4. Charlotte had threatened to file a civil lawsuit against her parents, and as part of that threat, her attorney referenced repressed memories.

5. The Johnsons had paid for some of Charlotte's therapy and had already received some records because of that.

Attorney Smoler commented: "What's most important here is that the court recognized that it was creating a new, common law exception to privilege," said Smoler, who noted that the decision is narrowly drawn to extend only to a particular type of case. "The key legal issue is: When does the public policy give rights to a person wrongfully accused of sexual abuse? This ruling recognizes how horrible those kinds of accusations are. And it says [to therapists]: You can't inflict that kind of harm and get away with it."

The Johnsons satisfied the judge that there was reasonable evidence of negligence. They argued that their investigations showed that the therapists had not properly explained to their daughter the possibility of developing false memories. They argued that without records they could not determine whether such a discussion took place. They also argued that their daughter had been treated with hypnosis or something similar, based on the testimony of one of their daughter's friends to whom she had told this fact. Only the records could confirm this. Finally, the Johnsons argued that the therapists failed to gather information from collateral sources (such as her siblings, parents, or friends) to ensure the accuracy of her memories and thus the appropriateness of their treatment.

Judge Moeser evaluated the arguments of the plaintiffs and the defendants and decided that the Johnsons had made a convincing case that the judge should evaluate the therapy records. The next step in the legal journey was on June 14, 2006, when Judge Daniel R. Moeser ordered that Rogers Memorial Hospital, psychotherapist Kay Phillips, and doctors Jeff Hollowell and Tim Reisenauer give him the therapy records of the daughter of Charles and Karen Johnson.

Johnson v Rogers Memorial Hospital. (Case No. 96-CV-1228 Wisconsin Circuit Court, Memorandum decision and order, June 14, 2006.)

Judge Moeser then reviewed those records privately (in camera) to determine if any of those records could be released to the Johnsons. He determined that they could. The Johnsons received records, which were the foundation of the current case.

It took another four years of legal skirmishes, but finally the stage was set for the Johnson v. Rogers Memorial Hospital trial

1. See: Wisconsin Supreme Court 2001

opinion:<http://caselaw.findlaw.com/wi-supreme-court/1372673.html>

2005 opinion:

<http://www.wicourts.gov/sc/opinion/DisplayDocument.html?content=html&seqNo=18948>



Impressions of the Johnson Trial: Perspective of an FMSF Parent

I was able to attend seven days of the Johnson trial. I heard Chuck Johnson and his two daughters, and I was totally riveted when Karen Johnson spoke about the horrors of her confrontation with Charlotte.

It was a completely different experience when I listened to the treating therapists. I felt that there were many lies and half-truths cloaked in the pretense of "good care." To me, some of the defense experts seemed smug and arrogant. But I know I have a biased perspective.

I watched Chuck and Karen Johnson as they listened to the defense case. I felt so sorry for them when the defense painted them as bad parents. Karen kept a picture of Charlotte as a child that she looked at often. It seemed to give her strength to endure another hour of lies about her from the defense. In addition, both Chuck and Karen were suffering from Bronchitis.

Finally I listened to the closing arguments. I actually cried as attorney Smoler summarized the case. He began by talking about Common

Sense. He said that this case is about common sense and he went over all of the facts that have been heard so often, the therapy records, the dates, the experts. He said the therapists forgot common sense. He was inspirational. He told a story being a boy and watching a television show about Texas Rangers who were there to bring justice. He said that is what this lawsuit is about, bringing justice. He had tears in his eyes. We all had tears!

There has been so much pain and heartache for so many FMSF families in the last 20 years that this trial has brought up. I couldn't speak, but I was thankful for Bill Smoler. I thought that whatever the outcome, because of Karen and Charles Johnson, we are all finally having our day in court.

The defense attorneys presented their closing arguments and I silently screamed when one of them said that this case was just about money!

Then the jury went into deliberation. — I wondered what the jury members thought. How could they possibly believe anyone who shredded his records. What did they think about Dr. Hollowell who just left his records in his desk – never to be seen again. It strains credibility. What about Kay Phillips whose reaction to learning that there was a possible lawsuit was to tell the others to “circle the wagons.”

At 1:00 a.m. Sunday morning the verdict was in. We sat there. I held my breath and prayed. The Johnsons won! It took Karen about 10 minutes to realize that they had won and that this ordeal was finally over. They have done everything to try to reach their daughter and to help her return to the reality of her real childhood. They did their best. They are my heroes.

I wonder if or when Charlotte learns of the results of this case what she will think?



Oregon Man Sues Therapist for \$1 Million

Skotko v. Knox 102333, Cir Ct Linn County Oregon, Filed August 2010.

In August, 2010, Stephan Skotko filed a \$1 million lawsuit in Linn County Oregon against Marion and Doris Knox claiming that their marriage counseling sessions led Skotko's family to file false charges of child abuse against him.

In his complaint, Stephan Skotko explains that on September 21, 2008 he was arrested and spent three days in the Linn County Jail. He was charged with sexually abusing and sodomizing his two adult children when they were younger. After an investigation, the criminal charges were dropped in November 2008. In January of 2009, however, the Oregon Department of Human Services brought a protective proceeding against Skotko claiming that he presented a danger to his youngest 12-year-old son because he had sodomized his other children. The order states: “The [criminal] charges were subsequently dropped against Skotko, but the threat of harm to [his son] is still present.”^[1]

According to the Skotko complaint, the source of the abuse allegations was the counseling provided by Marion and Doris Knox. Skotko and his family sought counseling with Knox in 2002. A friend who was a pastor of another church recommended Knox. Although his family continued with counseling, Skotko stopped counseling in 2003 after two sessions in which Marion Knox told them that their problems were the result of, among other things, anal sodomy and evil spirits instilled by anal sodomy. Knox told the family that the vast majority of people had been anally sodomized and convinced him and his wife that they too had been victims of sodomy by their parents.^[2] Knox told the family to cease all contact with their own parents. According to the complaint, the Knoxes told the police that Skotko had sodomized his children.

An article in the *Albany Democrat-Herald*^[3] noted:

“Marion Knox's counseling practices have come into question before. In 2002, defense attorneys for a Brownsville man accused of sex abuse found Knox had been counseling the girl who filed the charges. The team spoke with other families who had been through counseling with Knox and cited three cases in which Knox had concluded that there had been sodomy with the families, although the families disputed the allegation. The charges against the Brownsville man were later dropped.”

The arrest charges specifically mentioned that Skotko had molested his daughter between January 1, 1998 and September 21, 2001. According to Mr. Skotko, however, in April of 2001 his daughter had had a complete assessment for abuse at the ABC House in Albany, Oregon because she had reported to police at that time that she had been abused by someone who came in the window. The examination at that time found no signs of any abuse.

Oregon has licensing requirements for professional counselors and marriage and family therapists but they do not apply to church-based counselors such as Marion and Doris Knox.

Dan C. Armstrong of Heilig Misfeldt & Armstrong in Corvallis is representing Stephan Skotko. Michael Long of Eugene is representing the Knox family.

1. Notice of Protective Services Founded Disposition Case: HT92417. Albany, OR

2. Knox has spoken in other places about his belief that most people have been sodomized. See box below.

3. Moody, J. (2011, January 2). Suit charges counselor with instilling false memories. Retrieved on January 3, 2011 from http://www.democratherald.com/news/local/article_13983e90-1638-11e0-8f57-001cc4c03286.html.



Who Is Marion Knox?

There are several interviews with Marion Knox available on the web. Excerpts from two of them paint a picture of a person with bizarre beliefs.

<http://www.whale.to/b/knox.html>

Patton, R. (unknown date) *The Master Plan of the Illuminated Rothschilds*.

“Marion Knox is a farmer, Gospel singer, and counselor from Lebanon, Oregon. For several years, he has been helping set people free from the affects of ritual abuse and mind control. Although some may think of his methodology as unorthodox, it appears to be effective in eliminating highly-structured dissociation in many of the people he’s worked with. While tediously assisting and supporting these survivors, Marion has uncovered startling information concerning the inner-workings of the Illuminati, the Rothschilds, and a possible end-times scenario. His conclusions are not only based upon what his clients are uniformly conveying, but also through Biblical and historical research. Mr. Knox would like to emphasize that some of his opinions are speculation or conjecture and need to be objectively verified and validated by independent sources.”

Patton: How did you get into counseling survivors of SRA (Satanic Ritual Abuse) and mind control?

Knox: To begin with, my first experience with anything dealing with the occult was through a friend of mine who thought his house was haunted. So I volunteered. While trying to figure out what was going on, a woman living in the house felt she was possessed. We went through a deliverance session with her and she eventually became a Christian. After that, I worked with people who had common sexual abuse. It wasn't until several years later, in 1993, I started counseling on a regular basis those who were ritually abused. So as far as the Satanic stuff goes, I first worked with three women who had multiple personalities, put in several hundred hours with each of these victims and as a result, began to understand the belief system and motives of the perpetrators.

<http://www.whale.to/b/knox1.html>

Interviewing Deprogrammers: In the House of the Strong Man Sodomy is the Key. Interview by Elana Freeland

Freeland: What is it about sodomy that does that?

Knox: It attacks the nerves at the base of

the spine and causes something neurological to happen within the brain. It also has a spiritual, demonic component to it that affects the person's mind in a way that nothing else will, as near as I can tell. In other words, I would state it this way: for a person to be able to develop multiple personalities, they would have to be sodomized between two and four.

Freeland: For all multiple personality disorders?

Knox: As far as I know. It's not commonly told this way because sodomy puts in a deaf and dumb spirit and causes memory loss so that some people may remember occult rituals but won't remember the sodomy. But sodomy is the foundation of the whole thing. It is called "The Key of David" by the Rothschild Illuminati.



Comments About Memory

Mark Green, Ph.D.

Appearing in Guevarra, G., & Espiritu, L. (2011, January 22). Revisiting credibility of police witness.

Philippine Daily Inquirer. Retrieved on 1/23/11 from: <http://opinion.inquirer.net/inquireropinion/talkofthetown/view/20110122-315990/Revisiting-credibility-of-police-witness>

From the point of view of science, mistakes in eye witness identification are more than a mere possibility. Dr. Marc Green provides several reasons why memories can make such a monumental mistake:

Memory is blurred. The images in the mind are never as clear as an actual perception. Memory often stores perceptual information in verbal form rather than as an image.

Memory fills in the gaps. Memory is a reconstruction; the eye-witness will often have insufficient information in the memory itself, so the reconstruction must invoke pieces of information from other sources mainly pre-existing schemas and other memories.

Memory may incorporate information subsequently gained from other witnesses or read in the newspaper, information drawn from general knowledge, information of another event or even information of an imagined event. People may inadvertently combine memory of two different events or confuse mental images with real events.

Memory systematically distorts perception. In studies, people tend to remember colors as being brighter and more saturated than they actually were; overestimate slow speeds and to underestimate fast ones and show systematic biases in remembering distance and size and biases toward expected events.

Memory is personal. Human memory does not exist so that an observer may accurately report previously seen events. Each witness extracts an interpretation that is meaningful in terms of his own beliefs, experiences and needs.

Memory is biased by question retrieval method. Eyewitness memories can be biased by the questions asked at the time of retrieval. The question can supply information that the eyewitness can incorporate into the answer or fill in gaps in his memory.

Memory changes over time and with retelling. Eyewitnesses incorporate information learned after the event into memory. For example, they may talk to another witness and use information from the conversation to fill in their reconstruction of the events. They may do this by combining two memories into one or by using bias or expectations of what probably was seen.

As people recall an event over and over, they drop details from earlier versions and add new ones. The more times an eyewitness is questioned, all things being equal, the less accurate the last version will be.



A Letter I Always Wanted to Write

I have always hoped that someday I would be writing to you to announce the return of my daughter. That event occurred in 2010.

After fifteen years her brother, sister, and I began the process of catching up. We recently spent a weekend with her and her husband. I cannot begin to express my joy over the events that are now unfolding.

My appreciation for the Foundation will be eternal. My late wife and I found our association with members of the FMSF and the information from the FMSF to have been our Rock of Gibraltar, our anchor for those many years.

Thank you from a very happy dad

FMS Continues to Devastate Families

I continue to hope that my daughter will find her way back to us again. It has been six years since December 2004, the last time I spoke to my now 27-year-old daughter. Then in January of 2007 I got "the letter" and all of her accusations.

My family and I believe my daughter has been forever scarred. I continue to try to reach out to her, but she refuses to talk to anyone who does not support her delusion, including me, her brother, step brother and step sisters.

My daughter has now recruited the support of my sister, along with her new, uninformed, eager enabling friends.

She has accepted this new identity, and my fear with this acceptance as a victim, is that she will ultimately be a real victim. I miss my daughter so much. I have had to move on with my life, but I will never give up the hope that she will return to the family who loved her and loves her still.

The FMS Foundation has helped

my family and me remain sane and understand this horrible, devastating syndrome. Sadly it also reminds us that we are not alone in our tragedy, but that there is help and support for families afflicted by this syndrome's fallout.

The new families suffering need support groups to discuss our delicate topic, which is why along with another mom we have started an internet support group forum. This forum is mainly a place to get opinions, tell our stories, hear what other people living the same situation as us are doing. If you are interested, please contact me at wishfulmom@hotmail.com

A mom



Letter to Meredith Maran

On October 28, 2010 Frank Kane appeared on the Diane Rehm Show with

Meredith Maran, author of *My Lie: A True Story of False Memory*,

Also interviewed were psychologists Richard McNally and Christine Courtois. Frank wrote the following letter to explain his demonstration of emotion on the show.

You can listen to this interview at:
<http://thedianerehmshow.org/shows/2010-09-28/my-lie-meredith-maran>

Thank you for writing *My Lie*. I've been upset about how badly I bungled the very few minutes I had on the show. After some 19 years, one might surmise the emotional effect of the FMS experience would have lessened, but I still get choked up when I try to talk about it, even though my daughter, Maura, came out of it in 1993. And then we went on *Frontline's Divided Memories* documentary in 1995. So, my 15 minutes of fame was appearing with my own daughter on national TV to discuss Childhood Sexual Abuse. I volunteered in Philadelphia at the FMS Foundation from August, 1993 until February, 1994, living with another FMSF family in the area. I then was employed there from January, 1995 until September, 1996. After returning to Massachusetts, I have been the local contact person.

Maura is the Christian retractor in Mark Pendergrast's *Victims of Memory*. The story of all the members of my family is told in Claudette Wassil-Grimm's *Diagnosis for Disaster*.

FMS changed my life and I became an activist/advocate for justice issues involving false accusations of and wrongful convictions for childhood sexual abuse. For years, from late-1997, when Violet Amirault died, until 2004, when he was finally paroled after 18 years, I visited Gerald Amirault in prison, becoming a surrogate uncle to his and Patti's three kids. In 2002, I signed on as the volunteer treasurer for Bob Chatelle's National Center for Reason and Justice, and began to visit Bernard Baran in Bridgewater Prison until NCRJ was able to get him out in 2006, after some 22 years. I am also close friends with Shirley Souza, the grandmother from Lowell, (her husband, Ray, my good buddy, died in 2007 of Alzheimer's, following a 9-year house arrest, 1993 to 2002). I also write to and am close friends with Bruce Perkins (in prison in Huntsville, Texas on a false accusation of child abuse.)

Aside from the bare-bones resume of my FMS and NCRJ background, I wanted to tell you just a couple of things about the profound impact Maura's accusation had on me, not to forget the effects upon everybody in my family. At first, I cried nearly all the time, a 56-year-old retired accountant, an ex-U.S. Army Infantry veteran, a lifetime ball-player and coach. I couldn't sleep, agonizing over which monstrous male baby-sitter could have molested my daughter (you see, I didn't doubt my daughter's story, but I knew I hadn't been the "perp," as the therapist [or "therp," as I call her] had so casually identified me).

Eventually, when I could sleep, I hoped I wouldn't wake up in the morning. There was a lingering lump in my gut, a hopeless, helpless feeling of endless loss and abject grief, mainly over

worry that Maura was seriously disturbed. This was in late 1991, before the Foundation came into being in March of 1992. Probably at the same time, in Philadelphia and around the country, similar stories were starting up, leaving each Dad and Mom and Grandpa with similar pain, feeling entirely alone in their sadness.

I came to realize in 1992, after discovering the Foundation, that I was not alone. At the very first meeting I attended in Worcester, Massachusetts, I met a man who said he was going to write a book about it; he was Mark Pendergrast.

One final observation. I cannot ever be comfortable around children, ever again, even my own grandkids. My trust is shot. I am depressed that this ever happened to our family and especially to my daughter. As for me, after living a life that I considered to be a credit to my long-dead parents, my relationship to my faith, my high ideals of integrity and fair play, and my pride in never having sullied the good name of my family in any way, I sadly discovered that all could be destroyed in an instant by a careless, cavalier and irresponsible set of words, bandied about in a reckless, emotional, narcissistic fashion, with no basis in fact. I realized that there was no justice in this world. Once you were accused, that was a fait accompli, you were guilty regardless of your protestations to the contrary, and there was no way you could ever prove a negative, that something never happened.

In my mind's eye, I recently saw myself on TV, deep in that Chilean mine, on Day 17, when the video feed picked up the first lost soul down there. The look in his eyes, the thousand-mile stare from this gaunt, spectral ghost, told me better than I could ever describe in words how he felt, and how I felt during my FMS time, to be lost to life as I, and he, knew it.

BURIED ALIVE!

Thanks again, Meredith, for writ-

ing the book. I read it in a day and have passed it along to Shirley Souza to read; Shirley is listed on the Massachusetts Sex Offender Registry Board, a 79-year-old widow, convicted in 1993 with coerced "testimony" from her toddler grandkids. Her husband Ray died unexonerated and unreconciled with his children and grandchildren, as have many of my other FMSF friends of advanced age. The effects of the hysteria go on and on, ad infinitum. Sad.

Francis X. Kane

A Discredited Therapy: Did it influence development of the Recovered Memory Phenomenon?

Psychologist Arthur Janov introduced the general public to primal therapy in his 1970 book, *The Primal Scream*, which became an international bestseller. "The idea behind the treatment is that psychological problems emerge from the repression of early traumas—even those experienced during childbirth. These 'primal pains' could be purged only by reliving them."

"Janov's approach received a huge shot of publicity in 1970 when John Lennon underwent several months of primal therapy before recording 'John Lennon/Plastic Ono Band.'...Lennon publicly praised the therapy."

"A major flaw with the treatment, critics say, is that studies have cast doubt on the existence of deeply repressed memories, which primal patients must unearth to ease their suffering."

"The problem with reliance on this concept of repressed memory is that it increases the risk that someone might form a false memory,' says Dr. Harrison G. Pope, . . .'That is a potential danger in any therapy, primal or otherwise, where a patient is exhorted to come up with supposedly repressed memories.'"

Jaffe, E. (2010, Nov 15). A look at four psychology fads. *LA Times*.

The Rutherford Family Speaks to FMS Families

The DVD made by the Rutherford family is *the* most popular DVD of FMSF families. It covers the complete story from accusation, to retraction and reconciliation. Family members describe the things they did to cope and to help reunite. Of particular interest are Beth Rutherford's comments about what her family did that helped her to retract and return.

Available in DVD format only:

To order send request to

FMSF -DVD, 1955 Locust St.
Philadelphia, PA 19103

\$10.00 per DVD; Canada add \$4.00; other countries add \$10.00

Checks payable to FMS Foundation

SOME BOOKS OF INTEREST

The Trauma Myth: The Truth About the Sexual Abuse of Children and Its Aftermath

Susan A. Clancy

Remembering Trauma

Richard McNally

Science and Pseudoscience in Clinical Psychology

S. O. Lilienfeld, S.J. Lynn, J.M. Lohr

Psychology Astray: Fallacies in Studies of "Repressed Memory" and Childhood Trauma

Harrison G. Pope, Jr., M.D.

Remembering Our Childhood: How Memory Betrays Us

Karl Sabbagh

Making Minds and Madness: From Hysteria to Depression

Chapter 3

"A Black Box Named *Sybil*"
Mikkel Borch-Jacobsen

Try to Remember: Psychiatry's Clash Over Meaning, Memory, and Mind

Paul McHugh, M.D.

**CONTACTS & MEETINGS -
UNITED STATES**

Web Sites of Interest

www.seweb.uci.edu/faculty/loftus/
Elizabeth Loftus

www.theisticsatanism.com/asp/
Against Satanic Panics

comp.uark.edu/~lampinen/lab.html
The Lampinen Lab False Memory Reading Group,
University of Arkansas

<http://www.exploratorium.edu/memory/>
The Exploratorium Memory Exhibit
theretractor.angelfire.com/
Site for retractors run by Laura Pasley

www.process.org/
Site of Investigative Journalist

www.psyfmfrance.fr
and
www.afsifrance.org
French False Memory Groups

www.psychoheresy-aware.org/ministry.html

The Bobgans question Christian counseling

<http://www.IllinoisFMS.org>
Illinois-Wisconsin FMS Society

www.ltech.net/OHIOarmhp
Ohio Group

recoveredmemorytherapy.blogspot.com
Matt Stone's updates on Australia FMS

<http://www.bfms.org.uk>
British False Memory Society

www.religioustolerance.org/sra.htm
Information about Satanic Ritual Abuse

www.angryparents.net
Parents Against Cruel Therapy

www.peterellis.org.nz

Site run by Brian Robinson contains information about Christchurch Creche and other cases.

www.falseallegation.org
National Child Abuse
Defense & Resource Center

www.markpendergrast.com
Excerpts from *Victims of Memory*

www.rickross.com/groups/fsm.html
Ross Institute

www.enigma.se/info/FFI.htm
FMS in Scandinavia - Janet Hagbom

www.ncrj.org/
National Center for Reason & Justice

www.traumaversterking.nl
English language web site of Dutch retractor.

www.quackwatch.org
This site is run by Stephen Barrett, M.D.

www.stopbadtherapy.com
Contains information about filing complaints.

ALABAMA
See *Georgia*

ALASKA
Kathleen 907-333-5248

ARIZONA
Phoenix Pat 480-396-9420

ARKANSAS
Little Rock Al & Lela 870-363-4368

CALIFORNIA
Sacramento Jocelyn 530-873-0919
San Francisco & North Bay
Charles 415-435-9618
San Francisco & South Bay
Eric 408-738-0469
East Bay Area Judy 925-952-4853
Covina Area
Floyd & Libby 626-357-2750

COLORADO
Colorado Springs Doris 719-488-9738

FLORIDA
Central Florida - Please call for mtg. time
John & Nancy 352-750-5446

GEORGIA
Atlanta
Wallie & Jill 770-971-8917

ILLINOIS
Chicago & Suburbs - 1st Sun. (MO)
Eileen 847-985-7693 or
Liz 847-827-1056

INDIANA
Indiana Assn. for Responsible Mental Health Practices
Pat 317-865-8913 & Helen 574-753-2779

KANSAS
Wichita - Meeting as called
Pat 785-762-2825

LOUISIANA
Sarah 337-235-7656

MARYLAND
Carol 410-465-6555

MASSACHUSETTS/NEW ENGLAND
Andover - 2nd Sun. (MO) @ 1pm
Frank 978-263-9795

MICHIGAN
Greater Detroit Area
Nancy 248-642-8077

MINNESOTA
Terry & Collette 507-642-3630
Dan & Joan 651-631-2247

MISSOURI
Springfield - Quarterly (4th Sat. of Apr., Jul., Oct., Jan.) @12:30pm
Tom 417-753-4878 & Roxie 417-781-2058

MONTANA
Lee & Avone 406-443-3189

NEW HAMPSHIRE
Jean 603-772-2269 & Mark 802-497-1570

NEW JERSEY

Sally 609-927-4147 (Southern)
NEW MEXICO
Albuquerque - 2nd Sat. (BI-MO) @1 pm
Southwest Room -Presbyterian Hospital
Maggie 505-662-7521(after 6:30pm) or Sy
505-758-0726

NEW YORK
Upstate/Albany Area
Elaine 518-399-5749

NORTH CAROLINA
Susan 704-538-7202

OHIO
Cleveland
Bob & Carole 440-356-4544

OKLAHOMA
Oklahoma City
Dee 405-942-0531

OREGON
Portland area
Kathy 503-655-1587

PENNSYLVANIA
Wayne (includes S. NJ)
Jim & Jo 610-783-0396

UTAH
Keith 801-467-0669

WASHINGTON
See Oregon

WISCONSIN
Katie & Leo 414-476-0285 or
Susanne 608-427-3686

INTERNATIONAL

BRITISH COLUMBIA, CANADA
Vancouver & Mainland
Lloyd 250-741-8941
Victoria & Vancouver Island
John 250-721-3219

MANITOBA CANADA
Roma 204-275-5723

ONTARIO, CANADA
London
Adriaan 519-471-6338
Burlington
Ken & Marina 905-637-6030
Waubaushene
Paula 705-534-0318

AUSTRALIA
Evelyn everei@adam.com.au

BELGIUM
werkgr.fict.herinneringen@altavista.net

FRANCE
afsi.fauxsouvenirs@wanadoo.fr

ISRAEL
FMS ASSOCIATION fax-972-2-625-9282

NEW ZEALAND
Colleen 09-416-7443

SWEDEN
Ake Moller FAX 48-431-217-90

UNITED KINGDOM
The British False Memory Society
Madeline 44-1225 868-682



Copyright © 2011 by the FMS Foundation

1955 Locust Street
Philadelphia, PA 19103-5766
Phone: 215-940-1040 Fax: 215-940-1042
mail@FMSFonline.org www.FMSFonline.org
ISSN # 1069-0484
Pamela Freyd, Ph.D., Executive Director

FMSF Scientific and Professional Advisory Board

January 1, 2011

Aaron T. Beck, M.D., D.M.S., University of Pennsylvania, Philadelphia, PA; **Terence W. Campbell, Ph.D.**, Clinical and Forensic Psychology, Sterling Heights, MI; **Rosalind Cartwright, Ph.D.**, Rush Presbyterian St. Lukes Medical Center, Chicago, IL; **Jean Chapman, Ph.D.**, University of Wisconsin, Madison, WI; **Loren Chapman, Ph.D.**, University of Wisconsin, Madison, WI; **Frederick C. Crews, Ph.D.**, University of California, Berkeley, CA; **David F. Dinges, Ph.D.**, University of Pennsylvania, Philadelphia, PA; **Henry C. Ellis, Ph.D.**, University of New Mexico, Albuquerque, NM; **Fred H. Frankel, M.B.Ch.B., D.P.M.**, Harvard University Medical School; **George K. Ganaway, M.D.**, Emory University of Medicine, Atlanta, GA; **Rochel Gelman, Ph.D.**, Rutgers University, New Brunswick, NJ; **Henry Gleitman, Ph.D.**, University of Pennsylvania, Philadelphia, PA; **Lila Gleitman, Ph.D.**, University of Pennsylvania, Philadelphia, PA; **Richard Green, M.D., J.D.**, Charing Cross Hospital, London; **John Hochman, M.D.**, UCLA Medical School, Los Angeles, CA; **David S. Holmes, Ph.D.**, University of Kansas, Lawrence, KS; MA; **Robert A. Karlin, Ph.D.**, Rutgers University, New Brunswick, NJ; **Elizabeth Loftus, Ph.D.**, University of California, Irvine, CA; **Susan L. McElroy, M.D.**, University of Cincinnati, Cincinnati, OH; **Paul McHugh, M.D.**, Johns Hopkins University, Baltimore, MD; **Harold Merskey, D.M.**, University of Western Ontario, London, Canada; **Spencer Harris Morfit**, Author, Westford, MA; **Ulric Neisser, Ph.D.**, Cornell University, Ithaca, NY; **Richard Ofshe, Ph.D.**, University of California, Berkeley, CA; **Emily Carota Orne, B.A.**, University of Pennsylvania, Philadelphia, PA; **Loren Pankratz, Ph.D.**, Oregon Health Sciences University, Portland, OR; **Michael A. Persinger, Ph.D.**, Laurentian University, Ontario, Canada; **August T. Piper, Jr., M.D.**, Seattle, WA; **Harrison Pope, Jr., M.D.**, Harvard Medical School, Boston, MA; **James Randi**, Author and Magician, Plantation, FL; **Henry L. Roediger, III, Ph.D.**, Washington University, St. Louis, MO; **Carolyn Saari, Ph.D.**, Loyola University, Chicago, IL; **Michael A. Simpson, M.R.C.S., L.R.C.P., M.R.C., D.O.M.**, Center for Psychosocial & Traumatic Stress, Pretoria, South Africa; **Ralph Slovenko, J.D., Ph.D.**, Wayne State University Law School, Detroit, MI; **Jeffrey Victor, Ph.D.**, Jamestown Community College, Jamestown, NY; **Hollida Wakefield, M.A.**, Institute of Psychological Therapies, Northfield, MN; **Charles A. Weaver, III, Ph.D.**, Baylor University, Waco, TX.

Advisors to whom we are grateful who are now deceased.

Robyn M. Dawes, Ph.D., Carnegie Mellon University, Pittsburgh, PA; **Martin Gardner**, Author, Norman, OK; **David A. Halperin, M.D.**, Mount Sinai School of Medicine, New York, NY; **Ernest Hilgard, Ph.D.**, Stanford University, Palo Alto, CA; **Philip S. Holzman, Ph.D.**, Harvard University, Cambridge; **Harold Lief, M.D.**, University of Pennsylvania, Philadelphia, PA; **Martin Orne, M.D., Ph.D.**, University of Pennsylvania, Philadelphia, PA; **Campbell Perry, Ph.D.**, Concordia University, Montreal, Canada; **Theodore Sarbin, Ph.D.**, University of California, Santa Cruz, CA; **Thomas A. Sebeok, Ph.D.**, Indiana University, Bloomington, IN; **Margaret Singer, Ph.D.**, University of California, Berkeley, CA; **Donald Spence, Ph.D.**, Robert Wood Johnson Medical Center, Piscataway, NJ.

Do you have access to e-mail? Send a message to

mail@FMSFonline.org

if you wish to receive electronic versions of this newsletter and notices of radio and television broadcasts about FMS. All the message need say is "add to the FMS-News". It would be useful, but not necessary, if you add your full name (all addresses and names will remain strictly confidential).

The False Memory Syndrome Foundation is a qualified 501(c)3 corporation with its principal offices in Philadelphia and governed by its Board of Directors. While it encourages participation by its members in its activities, it must be understood that the Foundation has no affiliates and that no other organization or person is authorized to speak for the Foundation without the prior written approval of the Executive Director. All membership dues and contributions to the Foundation must be forwarded to the Foundation for its disposition.

The FMSF Newsletter will be published 4 times in 2011 by the False Memory Syndrome Foundation. The newsletter is delivered electronically and it is also available on the FMSF website: www.FMSFonline.org Those without access to the Internet should contact the Foundation.

Your Contribution Will Help

PLEASE FILL OUT ALL INFORMATION

PLEASE PRINT

Visa: Card # & exp. date: _____

Discover: Card # & exp. date: _____

Mastercard: # & exp. date: _____
(Minimum credit card is \$25)

Check or Money Order: **Payable to FMS Foundation in U.S. dollars**

Signature: _____

Name: _____

Address: _____

State, ZIP (+4) _____

Country: _____

Phone: (_____) _____

Fax: (_____) _____

Thank you for your generosity.